

REMARKS

Introduction

Claims 11 and 12 are pending and have been amended. Support for these amendments can be found throughout the specification, for example, in the claims as filed and at paragraphs [0014], [0022], [0062]-[0064], and [0066].

Claims 1-10 and 13-30 have been cancelled without prejudice to the subject matter disclosed therein. Applicant expressly reserves the right to pursue the subject matter of these claims via rejoinder or in another application.

Rejection under 35 U.S.C. §112

A. Written Description

The Examiner has rejected claims 11-13, 16, and 29 under 35 U.S.C. §112 first paragraph as allegedly failing to comply with the written description requirement. Applicants traverse.

The focus of the Examiner's concerns was on the perceived breadth of the phrase "a fragment or variant of." Claims 11 and 12 have been amended by inserting splice variants corresponding to SEQ ID NO:1 or 2. This rejection is believed moot in view of the amendment. Withdrawal of this rejection is respectfully requested.

B. Enablement

The Examiner has rejected claims 11-13, 16, 25-26, and 29 under 35 U.S.C. §112 first paragraph as allegedly lacking sufficient enablement. Applicants traverse.

Claim 11 has been amended so the target for modulators is identified as either polypeptide shown in SEQ ID NO:1 or 2. Claim 13 has been amended to be directed to methods of

screening for modulators of the polypeptides having SEQ ID NO:1 or 2 in SULT4A1 transgenic or gene disrupted mouse or *Drosophila*. The specification provides the target sequences (SEQ ID Nos.1-2) for modulation, an example cell type (e.g., example (vi)), example animals (e.g., [0094] and [0096]), and description of an example assay that can be used to test for modulators (e.g., example (vi)). One of skill in the art can practice the claimed invention without undue experimentation using this guidance and techniques known in the art. Withdrawal of the rejection is respectfully requested in light of the amendments to the claims.

Rejection under 35 U.S.C. §102

The Examiner has rejected claims 11-12, 16, and 29 under 35 U.S.C. §102(b) as allegedly being anticipated by International Publication WO 02/18541 (the '541 publication). Applicants traverse.

To anticipate a claim the reference must show each and every element of the claim either expressly or inherently. Claim 13 was not included in the anticipation rejection indicating that the Examiner does not believe the '541 publication anticipates it. Claim 12 as amended incorporates the features of claim 13. Therefore, amended claim 12 should be found free of the anticipation rejection. Withdrawal of the rejection of claim 12 is respectfully requested.

Amended claim 11 is directed to screening isolated cells that over-express a SULT4A1 protein in combination with the previously described claimed features. This combination is not disclosed in the '541 publication.

Therefore, for at least the above reasons, this reference cannot anticipate the amended claims. Applicant respectfully requests that the rejection under 35 U.S.C. §102(b) be withdrawn.

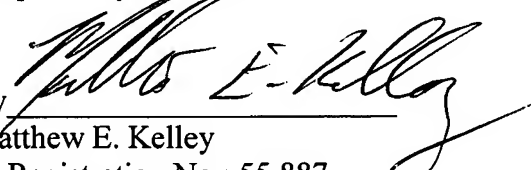
CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance indicating the allowability of claims 11 and 12 and that the application be passed to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

The Commissioner is authorized to charge any deficiency in any patent application processing fees pursuant to 37 CFR §1.17, including extension of time fees pursuant to 37 CFR §1.17(a)-(d), associated with this communication and to credit any excess payment to Deposit Account No. 22-0261.

Dated: April 3, 2008

Respectfully submitted,

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